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THE FEUARDENT-CESNOLA TRIAL.

WE give below the more important testimony in the action for libel brought by Gaston L. Feuardent, dealer in antiquities, against L. P. Di Cesnola, Director of the New York Metropolitan Museum, now in progress before Judge Shipman, in the United States Circuit Court. The plaintiff claims \$25,000 damages. The suit grows out of the plaintiff's charges, originally published in the August and October issues of THE ART AMATEUR in 1880, that the defendant had improperly and deceptively changed the appearance of objects in the Cesnola Collection of Cyprian Antiquities, which collection had been bought by the museum from the defendant in the suit for the sum of about \$170,000. Messrs. Oudin and Oakley, attorneys, and Mr. F. C. Bangs, counsel, appear for the plaintiff, and Mr. Stickney and Mr. Joseph H. Choate, for the defendant. Editorial comment on the subject is given in another part of the magazine.

The trial began on October 31st. The first witness, Lawrence Kane, a reporter of The Times in January, 1880, testified that he had been present at a meeting about that time, held in W. C. Prime's house, in East Twenty-third Street, at which Di Cesnola read a report before the Investigating Committee of the Board of Trustees, answering the charges printed by Feuardent in THE ART AMATEUR of August, 1880. To establish the fact that Di Cesnola read this paper to the gentlemen assembled, and gave out printed slips for publication, was the object of the testimony.

Henry G. Hutchins testified that he was Assistant Superintendent of the Metropolitan Museum of Art in 1873, when the first instalment of the Cesnola collection arrived in this city. When he first saw it it was partly boxed up and partly scattered about on the floor of the museum. As a whole the collection was badly broken, some of the statues being without legs or arms, and there were a number of heads which seemed to belong to no particular statues. Shortly after the collection arrived the witness was introduced to Di Cesnola. There was in the employ of the Museum Association as a repairer Feodor Gehlen, whose workshop was in the basement of the Fourteenth Street building. There, under his manipulation, the collection was prepared for exhibition in the museum. Gehlen's work was performed under the direction and supervision of Di Cesnola, who was a daily visitor to the museum, and who repeatedly and effusively complimented Gehlen upon the satisfactory manner in which he had done his work. The articles used in the work of restoration were plaster, fragments of old statues, a peculiar quality of glue, and a wash (the composition of which is a secret), which gave to the plaster, dust, and bits of stone used the color of the original figure. A saw to shape the fragments of stone and brushes to apply the glue and wash supplemented the work of skilled fingers. When the collection was taken from the boxes in which it had been shipped the statues were covered with dirt. When cleaned, portions were found to be gone from the beard, hair, faces, and other portions of the heads. Plaster and fragments of stone were used in repairing the damages. That the plaster might be made to look like the original stone, filings from the fragments were used to mix with the plaster. In this way beards, hair, countenances, and other portions of statues were restored, this being done by order of Di Cesnola and under his direction. When the work was completed a coating of the mysterious wash was applied. The witness first met Feuardent in 1877, having been introduced to him by the Secretary of the Museum Association. He had shown him, at Di Cesnola's request, one of the statuettes in controversy, that said by Di Cesnola to represent Venus and by Feuardent to be Elpis or Hope. He had examined it a number of times—four times that he could swear to. On each of these occasions he had noticed that there was nothing in the left hand, which rested against the drapery covering the figure. There were three diverging lines on the drapery some distance below the hand, but in no way connected with it. In May last he saw the figure in the Central Park Museum, and noticed many changes in it. When in Fourteenth Street, the face was its cleanest portion. In May the whole statuette seemed to have been scraped, and a mirror had been cut in or added to it some way since he had packed it for shipment to the Park Museum.

Mr. Hutchins described the restoration of the statue of the priest with a patera in his hand, which came to the museum without any right forearm. Under Di Cesnola's direction Gehlen supplied the deficiency, and also added a hand, so that the statue was made complete and perfect. Twice or three times the hand came off, the statue having been subjected to a drenching because of a leaky roof, and he had had Gehlen replace it. A statue of the body of a human being holding a cow's head in one hand (No. 19) was one of the objects manipulated by Gehlen. Di Cesnola told the witness that it was found in Cyprus without hands or feet, and on that authority he had so informed thousands of New Yorkers. He had found the face of No. 40 changed by manipulation, and to No. 22 feet had been added, an arm joined, and the beard, which was broken, made up and filled out with plaster. What is called the bearded Venus was changed under Gehlen's treatment; a tail made of wood covered with plaster was added to a tailless dove.

In Plate No. 11 in Di Cesnola's work on Cyprus appears a sarcophagus, supposed to be royal in character. It was broken when it arrived here, one end being knocked out and a side containing a hunting scene was cracked in three pieces. This was joined together, and the gaps left after the jointure, as large as one's finger, were filled with plaster. The plaster was properly colored, and the original design was carried out by cutting and moulding the plaster as required. This was done by Gehlen under the direction of Di Cesnola, who complimented the artisan for the clever manner in which he had performed the work. Mr. Hutchins next described the masterpiece of restoration accomplished on the largest statue in the collection—that of Hercules. When Hercules was discovered, according to published plates shown, and when he reached this city, he lacked a portion of his right leg and one arm. The leg was restored in this fashion: Gehlen sawed out of a number of fragments in the collection enough pieces to construct a leg of the Cypriote fashion. An iron rod was run up into the body of Hercules and securely fastened with a nut screwed on just above the hip. Holes were bored in the stones sawn out in shape, and through these the rod was run, plaster, filings of stone, and dust from the floor being used to fill up the jointures and give to the addition the same appearance as that of the body of the statue. The dripping of water on the largest head of the collection had revealed to the witness the work of the restorer in this instance, the water having shown that portions of the nose, face, and beard had been built up and added. Under his direction Gehlen re-restored the nose and other ruined portions of the features. All of this work had been done before Di Cesnola went to Cyprus.

Five letters written to the witness by Di Cesnola were introduced. They were all from Cyprus. The first asked him to secure some of the peculiar glue used by "that German artist" in his work of restoration, "because I want to use it here." He also asked for complete directions as to the way in which it was used. The second asked the witness to watch the collection and see that the cement used in restoration was not started by the cold weather, and requested him to inform the German artist that there would be more work in the restoration line for him when the writer returned with more of his antiquities. The others asked him to thank "the German artist" for his glue, which he says "is excellent," and asked him to tell the German to get his pay from Mr. Sturgis for the glue forwarded. He also wrote: "Tell

him he will have another lot of antiquities to put together and mend when I return," and also "tell him that his work has been in every way excellent and satisfactory. In concluding his direct testimony the witness asserted that the appearance of the collection as now shown at Central Park differs much from its appearance in Fourteenth Street. Many pieces seem to have been shaved down, and all have an appearance of cleanliness and whiteness they did not before possess.

All of the third day was devoted to the cross and redirect examination of Mr. Hutchins. Statue No. 157 of the collection, called Venus by Di Cesnola, and Elpis or Hope by Feuardent was shown to the witness, who was asked if he recognized it. He replied:

"It is a representation of the statuette of Hope, or Venus, as it appears at the Central Park Museum."

"Is it not the identical figure in controversy, instead of a representation?" asked Mr. Stickney.

"It looks different from the one at the Fourteenth Street Museum. It doesn't look like the one we had on exhibition there. It is smoother, has a mirror in its hand, is cleaner, and looks to be smaller than the one I showed Mr. Feuardent when he came to me with a note from Di Cesnola requesting me to allow him to handle and examine it. The position of the hand is seemingly the same, but in common with the rest of the figure it looks smaller. The drapery looks rather thinner here [pointing to the spot where the mirror is situated]. The lines of the drapery, and, in fact, of the whole figure, are more distinct, as if they had been picked out. The face, when it was in Fourteenth Street, was the cleanest, but now the whole body is clean. From the hips down the figure seems to have been scraped, and its color is very different." The lines on the drapery on the left side, to which the witness had alluded as existing, had disappeared.

A second statuette, a Cypriote figure of Elpis, from one of the finest collections in France, was introduced by counsel for the plaintiff, to show the form of the drapery as, in the opinion of the witness, it originally appeared on the first statuette shown. The folds were very much heavier.

Another feature of the day's proceedings was the introduction in court of the museum album of photographs of the Cesnola collection taken in the rooms at Fourteenth Street by Mr. Pach at various times. From this was torn out a leaf, pages 105 and 106, and on page 105 was written: "Pages 105 to 106 detached." This handwriting, it was asserted, was not that of the witness, who had had custody of the book until he left the museum. The missing leaf, with the photographic proofs mutilated, was also introduced. This leaf contained the photograph of the statue of a priest the restoration of which is a point in controversy. The witness testified that when the statue came to the museum originally it was without the hand holding a patera, which is now one of its features. The mutilated leaf had contained a picture of a group of which the priest, minus a hand and the patera, was one of the figures. The picture with the handless priest had been sold before the restoration of the figure. Now the negative proof and the negative itself, the photographic proof of the assertions of the witness and Feuardent, are missing.

Alexander D. Savage, formerly employed at the Metropolitan Museum of Art, was called to identify copious translations from a memoir by Johannes Doell, of the St. Petersburg Museum, describing the Cesnola collection as he had seen it at Cyprus, whither he had been sent by the Russian authorities, who talked of buying the collection before its restoration. These will be used later on in the trial to support Feuardent's claims.

THE ART AMATEUR'S ILLUSTRATIONS.

Henry W. Troy, a draughtsman, testified that he had made from the articles themselves the sketches used in THE ART AMATEUR publication. These were made in the summer of 1880, and in March, 1881, when he again visited the museum, he found the alleged mirror in the left hand of the figure of Venus or Hope considerably altered in shape. The frame was first cut oval, running up by graceful curves into the handle like the back of a hairbrush. The second time he saw it these curved lines had been changed into more rigid and angular lines, and the hair-brush appearance had disappeared. The difference in appearance he illustrated by sketches made in the presence of the jury.

TESTIMONY OF BRITISH MUSEUM EXPERTS.

The affidavit of Charles Thomas Newton was then put in evidence. According to it he was officially in charge of the Greek and Roman antiquities in the British Museum; his employment necessitated an acquaintance with classic and modern literature and a thorough converse with archæology; on that branch he had lectured at English colleges, and from several of them had received degrees; he had written various works on antiquities; he considered the term "restore" to mean the supplying of a missing member, but not the addition of any extraneous object; to "repair" meant simply to join fragments of an object and furnish any necessary support it might require to maintain its proper position. It was not proper for restorations to be made in articles which were chiefly prized for their antiquity. It would impair the archaeological value of any antique statue to cut, alter or color it.

Augustus Walston Franks's affidavit was then read. He too was a keeper of antiquities at the British Museum. His definitions were: "To restore" is to make an old thing new; "to repair," to make an unsightly object eligible. To recut, carve or change in any way or to apply coloring matter to the surface of any antique object would impair its archaeological value, and the restoring of missing portions without designating them would also lessen the value.

The deposition of Reginald Stewart Poole, the keeper of coins and medals in the British Museum, was then read. He had been sent to Cyprus on an antiquarian mission, and was familiar with the nature of its remains. In the case of coins no proper restoration is possible; in the case of statues any attempt to increase their market value by the effacement of old lines or by supplementing with new portions is improper; only when a reparation is necessary for the stability of an object should it be tolerated, and then the repairs should be indicated by a difference of color or material, so as to make them easily distinguishable.

TESTIMONY OF FEODOR GEHLEN.

Feodor Gehlen testified that he was a wood-carver, and had been in the employ of the Metropolitan Museum authorities for six months when it was at Fifth Avenue and Fifty-third Street, and for two years when its location was on Fourteenth Street. He was introduced to Di Cesnola by Russell Sturgis, and had been engaged while at Fourteenth Street in repairing and restoring Di Cesnola's collection of Cypriote carvings and sculptures. The latter directed him to restore the statues, so as to be as like the originals as possible, and to mount them; when he went to the museum the large statues were nearly all unpacked; there were many fragments of stones and some isolated heads about; there was nothing on these heads to indicate to what statues they belonged. Di Cesnola had designated the parts to be put together, and witness had joined the fragments and filled up what was wanting in them to give them their original appearance; he had used saws, chisels, gravers, a bit and brace, rasps and hammers in his work; he used plaster of Paris to stick the fragments together, and also a cement he compounded, and of which he himself only knew the secret; he had also prepared a wash in which dust of the Cypriote stone was used, to give the repaired statues a uniform color; he had sawed off legs and parts of statues to make them fit rightly, and had used a rasp and chisel to make their surfaces smooth; he did not look after the members of

the statues which were to be fitted together; they had been brought to him by Di Cesnola, and he had told him what to do; witness remembered making parts of heads and limbs with plaster; in some instances he had only the face in the original stone, and had to supply the back of the head and shape the lines of the hair; he had also put on ears and noses, according to his own ideas.

THE ONE-LEGGED HERCULES.

He constructed a leg for the one-legged Hercules that Di Cesnola gave him for restoration. The leg had been built up out of stone and the statue mounted on and fastened to a base on which Di Cesnola wished it to stand. This was accomplished by the use of a rod of iron, which ran up through the figure and was securely bolted in place above and below. In the hand of the so-called bearded Venus he had placed a dove, having first completed the bird. He added one wing and a tail of wood which he covered with plaster and then washed so as to give it the appearance of the original statue. In one instance, he had, at Di Cesnola's direction, added to a face of stone, a head, hair, and ears, so that when his work was done, the face was converted into a female head, which was mounted on a pedestal and exhibited with others as a genuine Cypriote antiquity. The head, which had been built up, was made entirely of plaster. The same material had been used successfully by the witness in the construction of heads of hair, beards, lips, noses, and ears in a great number of cases. In several instances flowing drapery falling to the ground, and thus supporting a figure on its base, was not the work of a sculptor of ancient Greece or Cyprus, but his own. The construction of this drapery was ordered by Di Cesnola in order that the figures might be better braced on their pedestals. The foundation for this drapery was a brace of wood or iron, and the drapery itself was of plaster. When this work was completed the statuette appeared to be one piece of stone, though in some cases several pieces and quantities of plaster were used to complete the illusion. Three or four bases, with feet and portions of legs on them, were given him, and on all but one of these he placed statuettes that were without feet and bases. A photograph of a statue of a priest, he testified, was taken from an original which was in great part his handiwork. On it he had placed an arm and hand of stone. He had built up one foot and some toes, and placed on the feet sandals with the laces. He looked at the photograph carefully, and then turning to Mr. Bangs, who had been examining him, asked: "That picture was taken at the Central Park Museum, wasn't it?" "Why do you ask?" said Mr. Bangs.

"Because," replied the witness, "it has been changed since I did my work on it." "Could not stone have been used instead of plaster in making the changes?" said Mr. Bangs. Witness said it certainly could.

"And why wasn't it?" asked Mr. Bangs.

"Because it was easier to use plaster, and Mr. Di Cesnola was in a hurry to have the figures completed and placed on exhibition for the opening of the museum," answered the witness.

While in his native country, Westphalia, Gehlen had as a draughtsman studied Greek, Roman, and Assyrian art, and was therefore familiar with the differences in the schools of art. He was an expert in carving, he stated, and considerable of his work had been exhibited, and in the work of repairing he considered himself the equal of any one. As bearing out this last statement, he said he had stuck together with a cement he used a couple of pieces of the Cyprian stone which he handed to Di Cesnola. That gentleman tried to break the pieces apart with a hammer, but failed to do this at the point of juncture, and was consequently very much pleased. For other work in the way of restoration, repairing, and carving done on his collection, Di Cesnola had repeatedly complimented him in the highest terms. The wash that he used in concealing the repairs and coloring the plaster used, so as to give to the antiquities an antique appearance, was also very satisfactory to Di Cesnola. It contained ochre and other coloring matters to produce the desired effects. While in the Fourteenth Street Museum he used one and three quarters barrels of plaster in making restorations.

A number of photographs were shown to the witness, who pointed out the work he had done. The most interesting part of this testimony was the story of the construction of a leg for Hercules and the base upon which he was set. The leg he manufactured for Hercules consisted of four pieces of stone, all of which, he believed, might have originally belonged to the statue. He inserted, however, fragments that did not belong there and which were required to complete the leg. These he selected to suit his purposes from a pile of useless fragments. He was given a base which had on it two feet, and was instructed by Di Cesnola to fit the statue to this base. In order to do this he had to saw off one of the feet and replace it in a different position. This was done because the one leg originally on the statue and the one constructed would not fit the feet on the base, which were set closely together. The foot sawed off was replaced on the base some distance from its original position and fastened there. The feet were of the right size to fit the statue, but their position on the base was altogether wrong, as a leg could not have been constructed and fitted so that the statue would appear to stand naturally. In answer to questions by Mr. Stickney the witness said he had examined the collection as now exhibited in the Central Park Museum, but couldn't tell his work in the present condition of the statuary, because it had been changed, and had also been converted in color from its original appearance to the color of marble. "The statue of Hercules," he said, "looks taller, and the feet are not the ones originally belonging there."

"As you think," interrupted Mr. Stickney.

"No; as I know," responded the witness.

Gehlen's final testimony was that when Di Cesnola went to Europe in 1873 he gave to him two baskets of fragments, with instructions to convert them into vases and pots as best he could. This he did, and on his return Di Cesnola complimented him upon his work, and expressed great satisfaction with the results achieved.

WHAT CHARLES HENKEL WITNESSED.

Charles Henkel testified that he was employed at the Fourteenth Street Museum from the spring to the autumn of 1873, where he assisted at the unpacking of the first instalment of the Cesnola collection received in this country. He was discharged because he could not speak English sufficiently well to satisfactorily explain the collection to visitors. He returned to work there in the spring of 1874, and remained at the museum as helper, watchman, and attendant until February, 1882. When the Cesnola collection came to this country it was boxed up with miscellaneous pieces in the same case, and none of the pieces were marked or numbered. The first man who worked on the collection was a Mr. North, who glued and plastered many of the pieces together. The fragments were very dirty as a rule, and the dirt was brushed or washed off with a sponge and clean water, and in no case that he knew of were the statues treated to baths. Afterward Mr. Gehlen assumed charge of the work of restoration, and worked on various pieces under Mr. Di Cesnola's directions for periods ranging from a few hours to a week at a time, the witness acting as a helper.

When the museum was removed to the Central Park building Henkel assisted in the packing of the jewelry, pottery and glassware. At the Park Museum he had charge of the unpacking of the antiquities. Many of the pieces of statuary that had been restored had broken apart during the process of packing, removal, and unpacking. These were taken at once to the repairing room, where there was a large tank. In that the statuary was treated to a bath and a thorough soaking by order of Di Cesnola, who had instructed his newly employed restorers, Messrs. Balliard and

Vallosio, to remove from them all the d.r.t, plaster, and other materials used in previous restorations. This was done, and after the soaking the statuary was scraped and made ready for restoration number two. This treatment gave to the objects a cleaner and brighter color, but so far as the witness had been able to see had brought out no new features, and had only revealed the general patching up to which the entire collection had been subjected.

Cleaned and made ready, the fragments and larger pieces were turned over to Messrs. Balliard and Vallosio for the treatment necessary to re-convert them into first-class antiquities. This was done by the process of patching heretofore described, and the use of a hammer, chisel, and wire-brush, and of a wash to give the needed color. The leg of Hercules made up by Gehlen was removed and a new leg substituted. The iron rod previously used gave way to a brass one. Some portions of the Gehlen restoration were discarded, and from such pieces of stone as he could find an entire new leg was manufactured by Balliard. It was then chiselled into shape to suit the artistic eye, plastered up, covered with the wash, and set on exhibition as a specimen Cypriote antiquity after the necessary appearance of age had been given to the new leg, feet, and base by the clever use of a chisel and hammer, and the necessary porosity by a thorough tapping with a wire brush. This work was done under Di Cesnola's supervision, and similar work on other figures was witnessed by Messrs. Prime, Hoe, Bryant, Johnstone, and Dodge, members of the Board of Directors. In the case of the figure holding a cow's head in its hand, the restorers could not do all the work required, and a strange man was called in, who cut from stone that was given him a base and a back to fit the feet of the figure. Balliard himself put the hand and patera on the statue of the priest, patched up noses, hair, beards, feet, and bas-reliefs, and made such carvings as were necessary to supply deficiencies on the bas-reliefs and sarcophagi.

A TELL-TALE PHOTOGRAPH.

A photograph of the repairing-room, showing the witness and Messrs. Balliard and Vallosio at their work there, was exhibited and identified by the witness as a correct picture, much to the surprise of Di Cesnola and his attorneys.

In speaking of the statuary reconstructed at the Central Park Museum by the Italian artist, the witness described in detail the work on the bearded Venus, priests Nos. 21 and 22, and on the feet of the first, on which Gehlen had put sandals, which Balliard cut off and replaced by new ones to better fit the fashion of the period to which the antiquities should have belonged; also, the work on the two double sphinxes, in which the figures were placed back to back, and one of which was provided with a new head; also, the work on the little Hercules, provided with a new stone leg in place of a wooden one it had, and on about twenty other antiquities specified by name or number. The bronzes, too, were reconstructed and made more antique by acid baths. They were originally tinged with green. One bath took this off and left them the natural bronze color. The second turned them black, and the third restored the green tinge like oxidation, "such a color as you see on the bronzes in store windows," the witness explained.

While the sphinx was being restored and provided with a head, the witness and Messrs. Alley and Lennon tried to match the head that came in the box with it, but it would not fit. Di Cesnola happened into the room one day and saw Lennon trying this experiment. The head was altogether too small, and Lennon said so. Thereupon Di Cesnola told him not to meddle in business that did not belong to him. Afterward the sphinx was

turned over to Balliard, and witness saw him cut the sphinx to fit the head and convert it into the perfect sphinx now exhibited. One Sunday after the controversy about the restoration had been begun, the witness went with Balliard and assisted him in breaking off plaster noses and ears from statues that had been mounted on pedestals and put on exhibition in the museum.

DICKSON B. ALLEY'S TESTIMONY.

Dickson B. Alley said he was a photographic printer; in 1877 he had been employed in the Museum of Art; he had served as night watchman for a while, and then had been put in charge of the department of curios, embracing gold, jewels and bronzes; he helped Hutchins to mount some of the statues; when the museum was removed to the Park he was a watchman, and he sold the photographs and catalogue at the door; he did not see Gehlen working; he did see Balliard, who was several months at work. Witness here described the process of taking the statues apart and restoring them, which, he said, was pursued at the Park Museum. Di Cesnola was present while the alterations were going on; he superintended the work and directed what was to be done; Balliard prepared a bath for the bronzes which brightened them to the appearance of new bronze; they were then put in a kettle containing some mixture; that made them look old again; they were dirty and corroded when in Fourteenth Street; after Balliard's work they were covered with a whitish-green verdigris; the dust and dirt about the statues was kept, and at first used for coloring matter; afterward the stone dust made from boring and sawing in the stone was used. The witness said he saw Balliard sawing legs off statues and bases off some objects.

The witness was shown statue No. 35, representing a sphinx. He said that when it came to the Park in the boxes it was all in fragments; the legs were entirely of plaster; they were removed and stone legs were substituted; he had been told by Di Cesnola one day that a party was coming to examine the statues, and he should let them all in except the Frenchman, Feuardent; as they came in by another door he was not able to carry out his orders; he saw them handle the statuette of Venus, and when they went away he saw the table about it was wet and noticed the mirror on the side, which looked fresh; he tried it with his knife and found it was of plaster; he smeared the scratch he had made on it with tobacco juice, and that hid it. He had seen Balliard do the same thing many times when he wanted to make a fresh scratch antique-looking like the rest of a statue. The witness said that on one Sunday, after the publication of the article in THE ART AMATEUR, attacking Di Cesnola and his collection, Balliard came into the museum and was given the statuette, which he carried away. On Monday, before the museum was opened for the day, Balliard brought it back and the witness put it in its case. He noticed a change in it, the mirror being less clumsy in appearance and different in color. One Sunday after this, when he was alone in the museum, he took out the statuette and carefully examined the mirror, which he had been watching. He noticed that it was no longer of plaster, but was cut into and made a part of the statuette and of the stone. The drapery appeared to be thinner, and the appearance of the statuette was changed generally.

In the case of a statuette which had originally a portion of one leg remaining, as shown in a picture published in Colvin's work, Di Cesnola ordered these stumps of legs carved off, so that the figure was made to fit a circular base on which he wanted it mounted. The statuette of the "Egyptian warrior," which had a nose of plaster put on, had its nose knocked off by Balliard after the newspaper controversy about the collection was begun. Usually, when a nose was needed on a head, brass pins were inserted in the face, plaster was put on roughly and then shaped as it be-

gan to set. The witness also testified to having repeatedly seen the figure of the priest, which has played so important a part in the controversy, a number of times with the hand and patera detached, and he had also seen it in the room where it was given a bath with the head separated from the body. He also testified that a proof picture of the figure without the head and patera had been in the photograph album when he had given it to Di Cesnola, and that the leaf subsequently found in Di Cesnola's waste-basket was torn out of the album when it was returned to him two or three hours later.

Articles which Mr. Alley testified to having seen restored in part were a sarcophagus and a bas-relief, on both of which considerable carving had been done, these carvings being pointed out by the witness on a photograph; the little Hercules, statue with a cow's head, the grinning priest, a double sphinx, and a number of small figures and several pieces of pottery. He also saw the bronzes treated to their baths, which first ate off the oxidation, restored them to their original color, and then, by another bath, reconverted them into antiquities. He also testified that before the Duke of Argyle visited the museum the figures which were lying headless and in various conditions of dilapidation were set up by employees of Fisher & Bird, marble workers, Houston Street. Before the committee of investigation began their examination all of the statuary which needed it was brushed up and restored, and other pieces were fixed as Di Cesnola thought they should be. While an attempt was being made to brush up some of the pottery by treating it to a bath in muriatic acid, some pieces were entirely dissolved and converted into a mass of mud. Others soaked in the same bath came out bright, clean, and acceptable to Di Cesnola.

The witness testified under cross-examination: I saw the little Venus first in Fourteenth Street; my attention was called to it by Feuardent's article; the first time I noticed the change in the statuette was when it had been removed to the Park; it was Feuardent and two other gentlemen examining it that drew my attention to it; I had my attention drawn to Feuardent because Di Cesnola had told me to watch him and keep him out; there were other men on duty at the door, and Di Cesnola gave all the same instructions; Feuardent came in by another door; when I examined the statuette I scratched the plaster figure on the side; so far as I know that figure is now of stone; I want the jury to understand that the plaster object has been removed, that the object has been engraved in the stone, and the drapery has been cut away so as to admit of the change; at the time I told Balliard, jokingly, that the best way to get out of the scrape was to do this very carving; it was on the Sunday after Feuardent examined the statue that I took it out of the case. I had all the photographs on sale in my hands; there was none of them which represented the statue with the hand and patera having these parts detached; my attention was called to a picture of the statue by the publication in The Times; I looked in the catalogue of the negatives and saw a proof of the picture there; the book-keeper took this catalogue from me at noon; three hours later the messenger boy brought it back; I was going to resume my examination when I found that the proof had been removed and the leaf it was on was torn from the album; I came in next day and was taking off my overcoat when Henkel came down with the waste basket and then found the torn photographs; he told me about them, and I told him to keep them; while in the museum I was charged with giving information to Feuardent by Di Cesnola; he came to me and said, "There is some one in the museum giving information to that Frenchman;" a man named Rooney had also insinuated that I carried news to Feuardent; I wrote a note in which I positively denied it, as I do now.



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